

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 21-24 and 27-38 are pending in this application. The drawings were objected to under 37 C.F.R. § 1.83(a). Claims 21-24 and 27-38 were rejected under 35 U.S.C. § 112, first paragraph. Claims 21-24 and 27-38 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 6-7 of U.S. patent 6,594,023. Claim 21 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 5,196,835 to Blue et al. (herein "Blue") in view of U.S. patent 6,459,424 to Resman. Claims 22-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Blue and Resman as applied to claim 21, and further in view of U.S. patent 6,215,116 to Van Marcke. Claims 27, 31, and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Blue and Resman as applied to claim 21, and further in view of JP 09319501 to Fumihiko et al. (herein "Fumihiko"). Claims 28-30, 32-34, and 36-38 were rejected under 35 U.S.C. § 103(a) as unpatentable over Blue, Resman, and Van Marcke as applied to claims 22-24, and further in view of Fumihiko.

Initially, applicant and applicants' representative wish to thank Examiners Shapiro and Mengisten for the interview granted applicants' representative on July 20, 2004. During the interview the outstanding rejections were discussed in detail. Further, during the interview applicants' representative submitted a proposed drawing change to Figure 7A to overcome the objection to the drawings, and presented comments as to how the claims were in full compliance with all requirements under 35 U.S.C. § 112, first paragraph, and as to how the claims distinguished over the applied art. The Examiners accepted such comments and indicated that when submitted in a filed response the current objections and rejections would appear to be overcome, pending an update search.

Addressing now the objection to the drawings under 37 C.F.R. § 1.83(a), that objection is obviated by the present response.

Filed with the present response is a substitute Figure 7A in which step S4 now indicates that the determination is based upon data from the right side optical unit “compared with a predetermined threshold”. That subject matter is fully supported by the original specification for example at page 16, lines 1-11, and thus substitute Figure 7A does not raise any issues of new matter. Thus, step S4 in Figure 7A recites comparison with a predetermined threshold and step S19 of Figure 7B recites a further threshold, those two thresholds corresponding to the claimed “first predetermined threshold” and “second threshold value” recited in the claims. Thus, the drawings show each feature recited in the claims.

Addressing now the rejection of claims 21-24 and 27-38 under 35 U.S.C. § 112, first paragraph, that rejection is traversed by the present response.

First, applicants do not fully understand the basis for the outstanding rejection. The Office Action recognizes that the specification discloses setting a predetermined relatively low threshold at page 16, lines 1-12, and then a further adjusted threshold at page 19, lines 12-20. Those two thresholds noted in the Office Action correspond to the claimed “first predetermined threshold” and “second threshold value”. In fact, applicants note that at page 19, lines 29-30 the term “**second threshold value**” (emphasis added) is expressly utilized. Moreover, the specification is amended by the present response to now expressly indicate that the noted predetermined threshold at page 16, line 5 is the “first threshold value”. The specification also now clarifies that the threshold set by the second threshold value setting device noted in the present specification at page 19, line 30 is the “second threshold value”. Those changes to the specification are not deemed to raise any issues of new matter as they merely provide different labels to thresholds already set forth in the specification. In such

ways, it is believed that the specification clearly supports the claimed features, and that thus each of the claims is in full compliance with all requirements under 35 U.S.C. § 112, first paragraph.

Addressing now the rejection of claims 21-24 and 27-38 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 6-7 of U.S. patent 6,594,023, that rejection is obviated by the present response. More particularly, filed with the present response is a Terminal Disclaimer over U.S. patent 6,594,023. The submission of that Terminal Disclaimer is believed to obviate the outstanding double patenting rejection.

Addressing now the rejection of claim 21 under 35 U.S.C. § 103(a) as unpatentable over Blue in view of Resman, and the further rejections based further upon Van Marcke and/or Fumihiko, each of the prior art rejections is traversed by the present response.

The outstanding Office Action states:

Blue et al. does not show optical unit recognizes insertion of the pointer when detection signal exceeds a first predetermined threshold value, detection allowing a coordinate calculation operation, second threshold value being changed in accordance with a distance between the pointer and the optical unit, and wherein a lowest level of second threshold value enables detection of the pointer at a farthest point from the optical unit.

Resman teaches to adjust threshold in accordance with a range (distance) between the pointer and the optical unit (See Fig. 2, items 22-24, Col. 7, Lines 46-64).

It is also common logic and understanding, that if the threshold value being changed in accordance with distance between the pointer and the optical unit, then the highest level of threshold value enables detection of the pointer at a closest point from the optical unit and a lowest level of threshold value enables detection of the pointer at a farthest point from the optical unit.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the threshold with depend on a range (distance) as shown by Resman and Blue et al. apparatus and set up of a lowest level of threshold value to

enable detection of the pointer at a farthest point from the optical unit in order to increase range and reliability of device.<sup>1</sup>

In response to the above-noted basis for the outstanding rejection, applicants first note that the teachings in Resman do not meet the claimed features even in combination with the teachings in Blue.

Independent claim 21 recites setting a first predetermined threshold that is utilized to recognize insertion of a pointer, and then utilizing a second threshold to calculate coordinates of the pointer.

The outstanding rejection appears to misinterpret the teachings of Resman relative to the claimed features.

Resman at column 7, lines 46-64 discloses adjusting the touch sensitivity of a touch screen, such that the “touch sensitivity can be varied from one region of a screen to another by adjusting the capacitive coupling threshold value to a higher level when touch inputs are made to one region than when made to another region”.<sup>2</sup> Such a teaching in Resman has no relevance whatsoever to calculating coordinates with respect to a second threshold different from a first threshold to detect insertion of a pointer.

Stated another way, the claims clearly set forth an operation of utilizing a first predetermined threshold value to recognize insertion of a pointer into a touch panel, and a second threshold value to calculate coordinates of the pointer. Such a feature is neither taught nor suggested by either Blue or Resman, and thus is neither taught nor suggested by the combination of teachings therein.

Moreover, Resman itself does not teach or suggest varying any threshold based on a distance between a pointer and an optical unit and the basis for the rejection that such is “common logic and understanding” in the Office Action is not at all understood. Resman

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<sup>1</sup> Office Action of May 6, 2004, paragraphs bridging pages 4 and 5.

<sup>2</sup> See specifically Resman at column 7, lines 60-63.

discloses changing sensitivity of a touch panel from different regions on a screen, which has nothing whatsoever to do with changing a threshold value based on a distance between a pointer and an optical unit.

In such ways, applicants respectfully submit that the teachings in Resman do not overcome the deficiencies in Blue, and thus no combination of teachings of Blue and Resman is believed to fully meet the claim limitations.

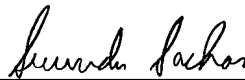
Moreover, no teachings in Van Marcke or Fumihiko can overcome the above-noted deficiencies of Blue in view of Resman.

In such ways, applicants respectfully submit that each of the pending claims clearly distinguishes over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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